

Article - Health - General

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§5–513.

(a) On taking custody of the body of a decedent in accordance with all authorizations required by law, a funeral establishment or crematory shall maintain the body in a manner that provides for complete coverage of the body and prevents leakage or spillage except during:

(1) Identification, embalming, or preparation of an unembalmed body for final disposition;

(2) Restoration and dressing of a body in preparation for final disposition; and

(3) Viewing during a visitation or funeral service.

(b) If the unembalmed body of a decedent is to be stored for more than 48 hours before final disposition, a funeral establishment or crematory shall maintain the body with refrigeration and at a temperature determined by regulation.

(c) (1) If a funeral establishment or crematory cannot secure the body of a decedent or cannot store the body as required in subsection (b) of this section due to an unforeseen circumstance, the funeral establishment or crematory shall notify the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight and the person authorized to arrange for the final disposition of the body under § 5–509 of this subtitle.

(2) The notification required under paragraph (1) of this subsection shall:

(i) Be made within 24 hours after the occurrence of the unforeseen circumstance; and

(ii) Include the name and location of the facility where the body is being transferred, the reason for the transfer, and the method of storage.

(d) The body of a decedent may not be embalmed or artificially preserved without:

(1) The express permission of the person authorized to arrange for the final disposition of the body under § 5–509 of this subtitle; or

(2) A court order.

(e) A funeral establishment or crematory shall store the body of a decedent until final disposition at:

(1) A funeral establishment licensed under Title 7 of the Health Occupations Article;

(2) A crematory licensed under Title 7 of the Health Occupations Article;

(3) A crematory permitted under Title 5 of the Business Regulation Article; or

(4) Another facility that has passed an inspection with the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight within the past 2 years.

(f) A funeral establishment, crematory, or transportation service may not transport or store the body of a decedent together with animal remains in the same confined space.

(g) (1) Except as provided in paragraph (2) of this subsection, while the body of a decedent is in the custody of a funeral establishment or crematory in the State, the body may not be transported for preparation or storage to a facility that is not within the jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight.

(2) The body of a decedent may be transported for preparation or storage to a facility that is not within the jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight if:

(i) The facility has entered into a written agreement with the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight to allow the State to make unannounced inspections of the facility; and

(ii) The person authorized to arrange for the final disposition of the body under § 5–509 of this subtitle:

1. Has given written permission for the body to be transported to the facility; or

2. A. Has given oral permission for the body to be transported to the facility; and

B. Within 36 hours after giving oral permission, provides written verification of the oral permission.

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